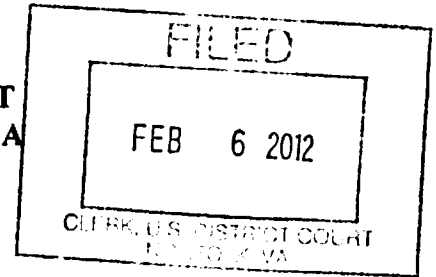


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**



BRADLEY D. GREGORY, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 2:10cv630

FEDEX GROUND PACKAGING SYSTEM INC.,

Defendant.

ORDER

Before the Court are Defendant's Motions to Dismiss the Non-Norfolk Plaintiffs' Claims for Misjoinder, or, in the alternative, to Sever and Transfer Those Claims ("Motions to Dismiss"), pursuant to Rules 20(a) and 21 of Federal Rules of Civil Procedure. ECF Nos. 269, 272. On October 5, 2011, this matter was referred to the Honorable United States Magistrate Judge F. Bradford Stillman ("Judge Stillman") pursuant to the provisions of 28 U.S.C. Section 636(b)(1)(B) and Rule 72(b) of the Federal Rules of Civil Procedure for a report and recommendation.

Defendant's Motions to Dismiss addressed claims in Plaintiffs' Fifth Amended Complaint. On November 21, 2011, Judge Stillman, *sua sponte*, ordered Plaintiffs to file a Sixth Amended Complaint, which would indicate the Court's basis of jurisdiction, set forth all of the causes of action Plaintiffs intend to plead, and excise all references to class action litigation. Accordingly, Plaintiffs filed a Sixth Amended Complaint on December 13, 2011. As a result, on January 17, 2012, Judge Stillman filed his report recommending that Defendant's Motions to

Dismiss be **DENIED** as moot because Defendant does not intend to rely on prior pleadings to respond to Plaintiffs' Sixth Amended Complaint. By copy of the report, each party was advised of their right to file written objections to the findings and recommendations made by the Magistrate Judge within fourteen (14) days from the date of the mailing of Judge Stillman's report. The Court has received no objections to the report and the time for filing the same has expired.

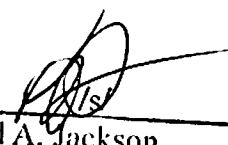
The Court does hereby accept the findings and recommendations set forth in the report of Judge Stillman.

Accordingly, it is **ORDERED** that Defendant's Motions to Dismiss (ECF Nos. 269, 272) are **DENIED** as moot.

The Clerk shall mail a copy of this Order to counsel for both parties.

IT IS SO ORDERED.

Norfolk, Virginia
February 6, 2012



Raymond A. Jackson
United States District Judge